

ORDINANCE NO. 11-60

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A 16% PERVIOUS AREA, WHERE A MINIMUM OF 30% LAWN (PERVIOUS) AREA IS REQUIRED, AND A REAR SETBACK OF 11 FEET, WHERE 20 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-2056(b)(1) AND §98-591. **PROPERTY LOCATED AT 6997 WEST 2 COURT, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 10, 2011, recommended approval of this ordinance; and

WHEREAS, Petitioner amended his application to exclude a variance request for an oversized carport, proffering to meet the requirements of the relevant Code provisions, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a 16% pervious area, where a minimum 30% lawn (pervious) area is required, contra to Hialeah Code § 98-2056(b)(1) and §98-591, which provide in pertinent part: “A minimum of 30 percent of the net residential land area shall be maintained in landscaped open space . . .” and “In the R-3 multiple-family district, there shall be a 20-foot rear yard setback.”, respectively. Property located at 6997 West 2 Court, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 118, IN BLOCK 6, OF SECOND ADDITION TO PALM SPRINGS VILLAS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 95, AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

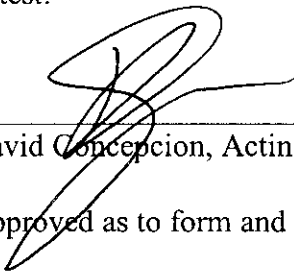
PASSED and ADOPTED this 13th day of September, 2011.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia-Martinez
Council President

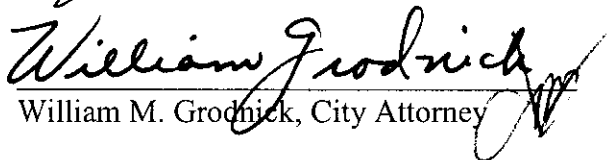
Attest:

Approved on this 14 day of Sept, 2011.


David Concepcion, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".